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Judith U. Kim Timothy J. Shea, Jr. Patrick E. Garrett Heidi L. Kraus Edward W. Yee Albert L. Ferro* Donald R. Banowit Peter A. Jackman Molly A. McCall Teresa U. Medler Vincent L. Capuano Eldora Ellison Floyd Thomas C. Fiala Brian J. Del Buono Virgil Lee Beaston

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Of Counsel Kenneth C. Bass III Evan R. Smith

- *Admitted only in Maryland *Admitted only in Virginia •Practice Limited to
- Federal Agencies

December 17, 2003

WRITER'S DIRECT NUMBER: (202) 772-8641 INTERNET ADDRESS: HCARLSON@SKGF.COM

Art Unit 1652

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Appl. No. 09/677,574; Filed: October 3, 2000

High Fidelity Polymerases and Uses Thereof

Inventors:

Yang et al.

Our Ref:

0942.4500004/BJD/HCC

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Form PTO-2038 Credit Card Payment Form for \$180.00 to cover: \$180.00 Information Disclosure Statement Submission;
- 2. Fee Transmittal Form (PTO/SB/27);
- 3. Fourth Supplemental Information Disclosure Statement;
- Form PTO-1449 (6 pages citing 24 documents); 4.
- 5. 24 documents cited in Form PTO-1449 attached; and
- 6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents December 17, 2003 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Helene C. Carlson

Agent for Applicants

Registration No. 47,473

HCC/SJE/lam Enclosures

209863.1

(Complete (if applicable))

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperweck Reduction Act of \$65, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANS	CRAITTAI	Complete if Known				
FEE FRANK	DIVILLIAL	Application Number	09/677,574			
for FY	2004	Filing Date	October 3, 2000			
Effective 10/01/2003. Patent fees are		First Named Inventor	Shuwei Yang			
		Examiner Name	Hutson, Richard G.			
Applicant claims small entity status	. See 37 CFR 1.27	Art Unit	1652			
TOTAL AMOUNT OF PAYMENT	(\$) 180.00	Attorney Docket No.	0042 4500004/P ID/HCC			

Attorney Bocket No. 10942.4300004/BJD/HCC										
METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)									
Check X Credit card Money X Other** None	3. ADDITIONAL FEES									
order **Charge any deficiencies or credit overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036.	Large Entity Small Entity									
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Deposit Account 19-0036	Code (\$) Code (\$)	Paid								
Number	1051 130 2051 65 Surcharge - late filing fee or oath									
Deposit Account Sterne Kessler, Goldstein & Fox P.L.L.C.	1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet									
Name The Director is authorized to: (check all that apply)	1053 130 1053 130 Non-English specification ——									
Charge fee(s) indicated below Credit any overpayments	1812 2,520 1812 2,520 For filing a request for ex parte reexamination									
Charge any additional fee(s) or any underpayment of fee(s)	1804 920* 1804 920* Requesting publication of SIR prior to Examiner action									
Charge fee(s) indicated below, except for the filing fee	1805 1,840* 1805 1,840* Requesting publication of SIR after									
to the above-identified deposit account.	Examiner action									
FEE CALCULATION	1251 110 2251 55 Extension for reply within first month	11								
	1252 420 2252 210 Extension for reply within second month									
1. BASIC FILING FEE Large Entity Small Entity	1253 950 2253 475 Extension for reply within third month									
Fee Fee Fee Fee Description Fee Paid	1254 1,480 2254 740 Extension for reply within fourth month									
Code (\$) Code (\$)	1255 2.010 2255 1.005 Extension for reply within fifth month									
1001 770 2001 385 Utility filing fee	1401 330 2401 165 Notice of Appeal									
1002 340 2002 170 Design filing fee	1402 330 2402 165 Filing a brief in support of an appeal									
1003 530 2003 265 Plant filing fee										
1004 770 2004 385 Reissue filing fee	1									
1005 160 2005 80 Provisional filing fee	1451 1,510 1451 1,510 Petition to institute a public use proceeding									
SUBTOTAL (1) (\$) 0.00	1452 110 2452 55 Petition to revive - unavoidable									
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1453 1,330 2453 665 Petition to revive - unintentional									
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Extra Claims below Fee Paid	7]									
Independent	1503 640 2503 320 Plant issue fee									
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1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3	1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a))									
1203 290 2203 145 Multiple dependent claim, if not paid	1810 770 2810 385 For each additional invention to be									
1204 86 2204 43 ** Reissue independent claims over original patent	examined (37 CFR 1.129(b)) 1801 770 2801 385 Request for Continued Examination (RCE)	$\neg \neg $								
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802 900 1802 900 Request for expedited examination of a design application									
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**or number previously paid, if greater; For Reissues, see above	300101VE (3) (4)	180.00								

SUBMITTED BY Registration No. Telephone (202) 371-2600 Name (Print/Type) Helene C. Carlson 47,473 (Attomey/Agent) Welenella em Date 17/2003 Signature

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yang et al.

Appl. No. 09/677,574

Filed: October 3, 2000

For:

High Fidelity Polymerases and

Uses Thereof

Confirmation No. 1982

Art Unit:

1652

Examiner:

Hutson, R.G.

Atty. Docket: 0942.4500004/BJD/HCC

Fourth Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fourth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Third Supplemental Information Disclosure Statement filed on November 14, 2002, in connection with the above-captioned application. A copy of each document is also provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents AP6 and AL7 cited on Form PTO 1449:

Document AP6 is in the Japanese language. An unverified English language abstract of document AP6 is attached as document AS49.

Document AL7 is in the Japanese language. An unverified English language abstract of document AL7 is attached as document AT49.

12/18/2003 MGEBREM1 00000047 09677574

The Examiner's attention is directed to the following application:

U.S. Application No. 09/236,616, Hughes *et al.*, filed January 26, 1999 (Document AR51); which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Information Disclosure Statement is being filed after the mailing date of the first Office Action after the filing of a request for continued examination.

Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Helene C. Carlson Agent for Applicants

Registration No. 47,473

Ubilenellarlow

Date: 12/17/03

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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Page 1 of 6



FORM PTO-1449

ATTY. DOCKET NO. 0942.4500004/BJD/HCC APPLICATION NO. 09/677,574

APPLICANT Yang et al.

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

FILING DATE

GROUP 1652

		STAT	<u>rement</u>		FILING DATE October 3, 2000		GROUP 1652		
				U.S. PAT	PENT DOCUMENTS				
EXAMINER INITIAL		DOCU	MENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE	
	AA5		22,785	06/21/1994	Comb et al.			04/17/1991	
	AB5	5,93	39,301	08/17/1999	Hughes, Jr. et al.			10/02/1995	
	AC5	5,94	8,614	09/07/1999	Chatterjee			09/06/1996	
	AD5	6,01	.7,745	01/25/2000	Minkley, Jr.			03/30/1995	
	AE5	6,07	77,664	06/20/2000	Slater et al.			05/31/1996	
	AF5	6,44	4,424 B1	09/03/2002	Chatterjee et al.			01/26/1999	
	AG5	6,50	6,560 B1	01/14/2003	Hughes et al.			01/28/1999	
•	AH5	2003	/0027296 A1	02/06/2003	Chatterjee			01/13/1999	
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	AS	<u>46</u>	Thermophilic	Bacterium TI	Improved Methods for Cu nermotoga neapolitana," ociety for Microbiology	Appl. E			
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with

next communication to Applicant. ::ODMA\MHODMA\SKGF_DC1;197342;1

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	AS	<u>47</u>	Modak, M.J., et al., "Purification and Properties of Rauscher Leukemia Virus DNA Polymerase and Selective Inhibition of Mammalian Viral Reverse Transcriptase by Inorganic Phosphate," J. Biol. Chem. 252:11-19, American Society for Biochemistry and Molecular Biology (1977)					
	AT	47			C.W., "A novel thermosta 196-797, Nature Publishi			DNA
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	AT	<u>48</u>	Sninsky, J., et al., "UlTma DNA Polymerase: The Only Proofreading Enzyme Guaranteed for PCR," Amplifications 11:12-13, 16-19, Perkin Elmer (1993)						
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